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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

DP CREATIONS, LLC dba BOUNTIFUL
BABY, a Utah limited liability company

Plaintiff,

vs.

Ke Yi Ke Er Shenzhen Toys Co., Ltd. dba
Miaio Toys, an unknown Chinese business
entity,

Defendant.

Case No: 2:23-cv-311-CMR

**VERIFIED COMPLAINT FOR
COPYRIGHT INFRINGEMENT**

JURY DEMANDED

Plaintiff DP Creations, LLC dba Bountiful Baby (“Bountiful Baby”) complains and alleges as follows against Defendant Ke Yi Ke Er Shenzhen Toys Co., Ltd. dba Miaio Toys. (“Miaio Toys” or “Defendant”).

THE NATURE OF THE ACTION

1. Denise and Nevin Pratt started Bountiful Baby after Denise discovered an extraordinary talent for making incredibly realistic dolls. These ultra-realistic dolls are known in

the industry as “reborn dolls” because of their incredibly lifelike features and appearance.

2. Bountiful Baby specializes in selling kits and supplies for the making of reborn dolls, and its products are renowned for their exceptional realism. Such dolls are uncanny in their realism and can be almost indistinguishable from a real baby. The exemplary reborn doll below was painted and “brought to life” by master reborn artist Jacqueline Kramer.



<https://bountifulbaby.com/collections/full-vinyl-kits/products/6076>

3. Defendant makes unauthorized copies of Bountiful Baby’s copyrighted works, which it sells on Amazon.

THE PARTIES

4. Plaintiff Bountiful Baby is a dba of DP Creations, LLC, a Utah limited liability company with a principal place of business at 2140 South 3600 West, West Valley City, Utah 84119. Bountiful Baby does business in the District of Utah, has numerous employees and customers in the District of Utah, and has suffered injury in the District of Utah.

5. Defendant Ke Yi Ke Er Shenzhen Toys Co., Ltd. dba Miaio Toys (“Defendant”) is

an unknown Chinese business entity and a seller on Amazon. The Defendant provided Amazon with the following contact information:

Full Legal Name: Shaoru Chen

Business Name: Ke Yi Ke Er Shenzhen Toys Co., Ltd. DbA Miaio Toys

Email: 445013509@qq.com

Address: No. 34 Xiangyin Road, Nanlian Community, Longgang Street, Building 4
301, Shenzhen, Guangdong, 518400, CN

Phone Number: 13450434131

6. Without authorization, the Defendant copies valuable doll sculptures owned by Bountiful Baby and lists them for sale on Amazon. Defendant accepts payments and corresponds with buyers and customers through Amazon in the United States.

JURISDICTION

7. This Court has subject matter jurisdiction over this dispute under 28 U.S.C. § 1331 (federal question).

8. This Court has personal jurisdiction over the Defendant because it has consented to personal jurisdiction in this judicial district. *See* Exhibit E. In addition, Defendant has committed acts of copyright infringement in violation of 15 U.S.C. § 1125, targeted Bountiful Baby in this judicial district, and because Defendants have placed infringing products into the stream of commerce with the knowledge or understanding that such products are sold in the State of Utah and in this judicial district. In addition, the acts of counterfeiting by the Defendants are targeted to cause commercial injury to Bountiful Baby in this Judicial District. On information and belief, Defendants derive substantial revenue from the sale of infringing products within this judicial

district and in the United States, expect their actions to have consequences within this judicial district, and derive substantial revenue from interstate and international commerce directed both to and from this judicial district.

VENUE

9. Defendant is an individual and/or entity subject to personal jurisdiction in this District that has consented to venue in this judicial district. *See* Exhibit E. Venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to this claim took place in this District: on information and belief, Defendants offer products for sale in this judicial district, transact business within this judicial district, and have caused Bountiful Baby to suffer harm in this judicial district. Venue is also proper in this district under 28 U.S.C. § 1391(b)(3) because certain Defendants are individuals whose names and addresses of residence are unknown that are otherwise subject to personal jurisdiction in this District. Venue is also proper in this judicial district under 28 U.S.C. § 1391(c)(3) because certain of the Defendants are foreign persons or corporations subject to personal jurisdiction in this District.

BACKGROUND

10. Started in 2001, Bountiful Baby is a world-leading manufacturer of Realborn[®] reborn doll kits and supplies, which it sells on its website www.BountifulBaby.com. Bountiful Baby is a Utah-based limited liability company with its headquarters in West Valley City, Utah. Bountiful Baby operates the world's largest reborn doll supply store.

11. Bountiful Baby protects its valuable copyrighted works related to its business through registrations with the U.S. Copyright Office. On January 4, 2022, Bountiful Baby obtained U.S. Copyright Registration No. VA 2-287-983, VA 2-288-229, VA 2-290-885 (the

“Asserted Copyright”) to protect the work depicted below:



VA 2-287-983 (“Ashley Sleeping Head,” Exhibit A)



VA 2-288-229 (“Ashley Asleep/Awake Arms,” Exhibit B)



VA 2-290-885 (“Ashley Asleep/Awake Arms,” Exhibit C)

12. The Defendant has made unlawful copies of the work protected by the Asserted Copyright as depicted below, through item number(s): B0BWRLV11W.

Amazon product listing for Miaio Reborn Baby Dolls. The listing includes a main image of a baby doll, a star rating of 5.0, and a price of \$59.99. The product is described as a handmade realistic baby doll, newborn lifelike dolls in soft vinyl and weighted body for boy, girl, mother, birthday gifts, weddings(a).

Product Details:

- Brand: Miaio
- Toy figure type: Doll
- Material: Vinyl
- Cartoon Character: Baby Doll
- Assembly: No

Shipping and Import Fees: \$22.35. Delivery: Monday, April 17. Order within 19 hrs 38 mins.

Payment: Secure transaction. Ships from: Amazon. Sold by: Miaio Toys. Returns: Eligible for Return, Refund or Replacement within 30 days of receipt.

Buttons: Add to Cart, Buy Now.

<https://www.amazon.com/Miaio-Handmade-Realistic-Lifelike-Birthday/dp/B0BWRLV11W>
(Exhibit D)

FIRST CAUSE OF ACTION

Copyright Infringement

17 U.S.C. § 106 *et seq*

13. Bountiful Baby incorporates and realleges each and every allegation in the preceding paragraphs, as if fully set forth herein.

14. Bountiful Baby is the owner of the Asserted Copyrights, attached hereto as Exhibits A, B, and C.

15. Defendant has made and used unauthorized reproductions of Bountiful Baby's original works, which are the subject of the Asserted Copyright.

16. Defendant has produced, reproduced, and/or prepared reproductions of Bountiful Baby's protected works without Bountiful Baby's consent. *See* Exhibit D. Defendants' acts violate Bountiful Baby's exclusive rights under the Copyright Act, 17 U.S.C. §§ 106 and 501, including its exclusive rights to produce, reproduce, and distribute copies of its work, to create derivative works, and to publicly display its work.

17. Defendant's infringement has been undertaken willfully with the intent to financially gain from Bountiful Baby's copyrighted work, and with full knowledge of Bountiful Baby's copyrighted works.

18. Defendant has submitted false counter-notifications for the purpose of maintaining its infringing listings. *See* Exhibit E. Such actions demonstrate willfulness.

19. Bountiful Baby is entitled to its actual and/or statutory damages, disgorgement of Defendant's profits attributable to the infringement in an amount to be proved at trial, together with all other relief allowed under the Copyright Act.

20. Because of Defendants' willful infringement, Bountiful Baby is entitled to

increased damages pursuant to 17 U.S.C. § 504(c)(2).

21. In addition, Defendant's infringement has caused and continues to cause irreparable harm to Bountiful Baby, for which it has no adequate remedy at law. Unless this Court restrains Defendant from infringing Bountiful Baby's protected works, the harm will continue to occur in the future. Accordingly, Bountiful Baby is entitled to a preliminary and permanent injunction.

PRAYER FOR RELIEF

Wherefore, Bountiful Baby respectfully prays that the Court enter judgment in its favor and award the following relief against Defendants:

A. A judgment in favor of Bountiful Baby that Defendant has infringed the Asserted Copyright;

B. A judgment in favor of Bountiful Baby that Defendant's infringement of the Asserted Copyright has been willful;

C. A judgment in favor of Bountiful Baby that it is entitled to its actual and/or statutory damages and disgorgement of Defendants' profits attributable to the infringement of the Bountiful Baby Copyrights, in an amount to be proved at trial;

D. A judgment in favor of Bountiful Baby that Bountiful Baby is entitled to increased damages pursuant to 17 U.S.C. § 504(c)(2) due to Defendant's willful infringement;

E. A judgment enjoining Defendant and its officers, directors, employees, agents, licensees, representatives, affiliates, related companies, servants, successors and assigns, and any and all persons acting in privity or in concert with any of them, from infringing the Asserted Copyright;

F. Any other relief the Court deems just and proper under all the circumstances.

JURY DEMAND

Bountiful Baby demands a jury trial on all matters triable to a jury.

DATED this 11th day of May 2023.

Respectfully submitted,

By: /s/ Brian N. Platt

BRIAN N. PLATT

TIMOTHY NICHOLS

Counsel for Plaintiff DP Creations, LLC

VERIFICATION

I, Nevin Pratt, declare that my wife Denise Pratt and I are the owners of DP Creations, LLC dba Bountiful Baby, Plaintiff in the above-captioned litigation in the United States District Court for the District of Utah. Denise and I authorized the filing of this Complaint. I have reviewed the factual allegations made in this Complaint, and to those allegations of which I have personal knowledge, I know them to be true. For those allegations of which I do not have personal knowledge, I believe them to be true based on the information and documents I have reviewed in connection with the preparation of this Complaint, and which are attached to the Complaint, including the Defendant's product listing and materials infringing the Asserted Copyright.

DATED this 8th day of May 2023.

Verified by:

A handwritten signature in black ink, appearing to read "Nevin Pratt", is written over a horizontal line.

Nevin Pratt, Owner
DP Creations, LLC dba Bountiful Baby